Remarks/Arguments

A.   Pending Claims

Claims 66, 67, 69-83, 101, 134, 146, and 159-161 are pending in the case.

B.   The Claims Are Not Obvious Over Torres In View of Forman And Further In View of Pendelton Pursuant To 35 U.S.C. § 103(a)

The Examiner rejected claims 66, 67, 69-83, and 101 under 35 U.S.C. 103(a) as obvious over U.S. Patent No. Application No. 2005/0043961 to Torres et al. (herein after "Torres") in view of U.S. Patent No. 6,826,536 to Forman and further in view of U.S. Patent No. 6,253,186 to Pendelton Jr. (herein after "Pendelton"). Applicant respectfully disagrees with these rejections.

In order to reject a claim as obvious, the Examiner has the burden of establishing a *prima facie* case of obviousness. *In re Warner et al.*, 379 F.2d 1011, 154 U.S.P.Q. 173, 177-178 (C.C.P.A. 1967). To establish a *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP § 2143.03. In addition, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claim 66 describes a combination of features, including but not limited to: "providing at least two fraud potential indicators for a request, wherein at least two of the fraud potential indicators are assessed using at least two fraud potential detection techniques; displaying a score or a rank for at least two of the fraud potential indicators simultaneously in a graphical user

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interface, wherein the displayed fraud potential indicators for the request are each assessed using a different fraud detection technique; and referring the request for review if at least one fraud potential indicator exceeds a threshold value, wherein the threshold value is adjusted to control the number of requests with at least one fraud potential indicator exceeding the threshold value." The cited art does not appear to teach or suggest at least these features of claim 66, in combination with the other features of the claim.

The Office Action acknowledges that Torres does not disclose "two potential fraud indicators." Nonetheless, the Office Action takes the position that it would have been obvious to one having ordinary skill in the art at the time the invention was made to use two fraud potential indicators, "since it has been held that *mere duplication* of the essential working parts of a device involves only routine skill in the art." (emphasis added). The Office Action relies on *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8, 11 (7th Cir. 1977). In *St. Regis Paper*, the court held that redundancy of layers to confer strength was obvious in the paper bag art. *St. Regis Paper*, 193 USPQ at 11. Claim 66 of the present application, however, does not involve mere redundancy. Claim 66 describes displaying a score or rank for at least two <u>different</u> potential fraud indicators assessed using <u>different</u> fraud detection techniques. Each potential fraud indicator is distinct from the other and provides different information to a user. The present application is similar to *Ex Parte Mattison*, 1995 WL 1696767 (Bd. Patent App. & Intf. 1995). In *Mattison*, the Board reversed an Examiner's rejection for an obviousness rejection that relied on *St. Regis Paper*. The court stated: "In the present case, the comparators are not redundant since each has *distinct inputs*." *Mattison* at *6 (emphasis added). Similarly, the potential fraud indicators recited in claim 66 are not redundant because they are assessed using different fraud detection techniques.

Forman discloses nine "triggers" that comprise data processing triggers for flagging fraud suspect data within claims submitted by health care providers (Forman, column 4, lines 57-61). Neither Forman nor Torres, alone or in combination with one another, teach or suggest

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displaying two fraud potential indicators simultaneously in a graphical user interface, wherein the displayed fraud indicators for the request are each assessed using a different fraud detection technique.

Pendelton discloses comparing a fraud indicator to a threshold number which is based upon prior experience. The threshold number may be arbitrarily fixed or, alternatively, may be dynamic in the sense of being periodically or continuously updated by the system as additional data is processed (Pendelton, column 7, lines 35-39). Pendelton does appear to teach a threshold value adjusted to control the number of requests with at least one fraud potential indicator exceeding the threshold value.

For at least the reasons stated above, Applicant submits that claim 66 is allowable over the cited art. Applicant respectfully requests removal of the rejections of claim 66 and the claims dependent thereon.

Amended claim 76 recites: "assess at least two fraud potential indicators for a request from the memory, wherein at least two of the fraud potential indicators are assessed using at least two different fraud potential detection techniques; ... and refer the request for review if at least one fraud potential indicator exceeds a threshold value, wherein the threshold value is adjusted to control the number of requests with at least one fraud potential indicator exceeding the threshold value." For reasons similar to those set forth above with respect to claim 66, Applicant submits that the cited art does teach or suggest at least this feature of claim 76, in combination with the other features of the claim.

Amended claim 80 recites: "assessing at least two fraud potential indicators for an insurance claim, wherein at least two fraud potential indicators are assessed using at least two different fraud potential detection techniques; ... and referring the request for review if at least

one fraud potential indicator exceeds a threshold value, wherein the threshold value is adjusted to control the number of requests with at least one fraud potential indicator exceeding the threshold value." For reasons similar to those set forth above with respect to claim 66, Applicant submits that the cited art does not teach or suggest at least this feature of claim 80, in combination with the other features of the claim.

Applicant submits that many of claims dependent on claims 66, 76, and 80 are independently patentable. For example, amended claim 67 recites: "wherein clicking on at least one of the displayed fraud potential indicator for the request displays information about the request." The cited art does not appear to teach or suggest at least these features of claim 67, in combination with the other features of the claim.

Regarding claim 67, the Office Action relies on Torres, paragraph 47, and FIG. 7. Torres discloses a "Details" hyperlink that may be selected to display dataset details. Torres does not disclose wherein clicking on at least one of the displayed fraud potential indicator for the request displays information about the request, in combination with the other features of claim 67.

Claim 69 recites: "wherein the insurance claims are organized into lists according to referred claims, assigned claims, and rejected claims, and wherein selecting a graphical component respective to referred claims brings up a list of referred claims, wherein selecting a graphical component respective to assigned claims brings up a list of assigned claims, and wherein selecting a graphical component respective to rejected claims brings up a list of rejected claims." The cited art does not appear to teach or suggest at least these features of claim 69, in combination with the other features of the claim.

Regarding claim 69, the Office Action relies on Torres, FIG. 9. Torres, FIG. 9, shows a Fraud Investigator screen that includes a "link analysis tool". The link analysis tool may be used

to perform additional background searches and access results from the classification and detection process (Torres, paragraph 49; FIG. 9). Torres does not teach or suggest insurance claims organized into lists according to referred claims, assigned claims, and rejected claims, wherein selecting a graphical component respective to referred claims brings up a list of referred claims, wherein selecting a graphical component respective to assigned claims brings up a list of assigned claims, and wherein selecting a graphical component respective to rejected claims brings up a list of rejected claims, in combination with the other features of claim 69.

Claim 70 recites: "changing a criterion about which claims to display by selecting a filter graphical component." The cited art does not appear to teach or suggest at least these features of claim 70, in combination with the other features of the claim.

Claim 71 recites: "assigning at least one request by selecting an assigned graphical component." The cited art does not appear to teach or suggest at least these features of claim 71, in combination with the other features of the claim.

Claim 71 recites: "assigning at least one request by selecting an assigned graphical component." The cited art does not appear to teach or suggest at least these features of claim 71, in combination with the other features of the claim.

The Office Action includes reasons for the rejection of claim 84. Applicant respectfully points out that claim 84 was previously cancelled.

Claim 101 recites: "assessing at least two fraud potential indicators for an insurance claim using at least two of an identity search engine, a predictive model engine, or a business rule engine; and configuring administrative information for a system to assess at least two fraud potential indicators for an insurance claim." The cited art does not appear to teach or suggest at

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least these features of claim 101, in combination with the other features of the claim.

The Office Action acknowledges that Torres does not disclose "two potential fraud indicators." Nonetheless, the Office Action takes the position that it would have been obvious to one having ordinary skill in the art at the time the invention was made to use two fraud potential indicators, "since it has been held that *mere duplication* of the essential working parts of a device involves only routine skill in the art." (emphasis added). The Office Action relies on *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8, 11 (7th Cir. 1977). In *St. Regis Paper*, the court held that redundancy of layers to confer strength was obvious in the paper bag art. *St. Regis Paper*, 193 USPQ at 11. Claim 66 of the present application, however, does not involve mere redundancy. Claim 66 describes displaying a score or rank for at least two different potential fraud indicators assessed using different fraud detection techniques. Each potential fraud indicator is distinct from the other and provides different information to a user. The present application is similar to *Ex Parte Mattison*, 1995 WL 1696767 (Bd. Patent App. & Intf. 1995). In *Mattison*, the Board reversed an Examiner's rejection for an obviousness rejection that relied on *St. Regis Paper*. The court stated: "In the present case, the comparators are not redundant since each has *distinct inputs*." *Mattison* at *6 (emphasis added). Similarly, the potential fraud indicators recited in claim 66 are not redundant because they are assessed using a different fraud detection techniques.

The Office Action claims that Torres discloses assessing an insurance claim using "at least two of an identity search engine, a predictive model engine, or a business rule engine." Applicant respectfully disagrees that Torres appears to teach or suggest at least the feature of claim 101.

C. The Claims Are Not Obvious Over Torres Pursuant To 35 U.S.C. § 103(a)

The Examiner rejected claims 134, 146, and 159-161 under 35 U.S.C. 103(a) as obvious

over Torres. Applicant respectfully disagrees with these rejections.

Claim 134 recites: "assessing at least two fraud potential indicators for an insurance claim using at least two of an identity search engine, a predictive model engine, or a business rule engine." The cited art does not appear to teach or suggest at least these features of claim 134, in combination with the other features of the claim. For reasons similar to those set forth above in Section B with respect to claim 66, Applicant submits that the cited art does teach or suggest at least this feature of claim 134, in combination with the other features of the claim.

The Office Action claims that Torres discloses assessing an insurance claim using "at least two of an identity search engine, a predictive model engine, or a business rule engine." Applicant respectfully disagrees that Torres appears to teach or suggest at least the feature of using a predictive model engine of claim 134.

For at least the reasons stated above, Applicant submits that claim 134 is allowable over the cited art. Applicant respectfully requests removal of the rejections of claim 134 and the claims dependent thereon.

Claim 159 recites: "wherein at least one engine used to assign at least one of the at least two fraud potential indicators is a predictive modeling engine, and wherein summary information for the predictive modeling engine includes criteria used to assign the fraud potential indicator to the claim." The cited art does not appear to teach or suggest at least these features of claim 159, in combination with the other features of the claim.

Claim 160 recites: "wherein at least one engine used to assign at least one of the at least two fraud potential indicators is a predictive modeling engine, and wherein summary information for the predictive modeling engine includes criteria used to assign the fraud potential indicator to

the claim." The cited art does not appear to teach or suggest at least these features of claim 160, in combination with the other features of the claim.
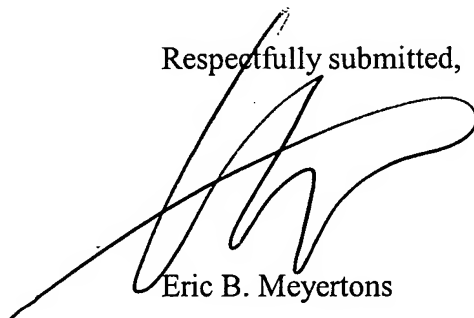
Claim 146 recites: "assessing at least two fraud potential indicators for an insurance claim using at least two of an identity search engine, a predictive model engine, or a business rule engine." The cited art does not appear to teach or suggest at least these features of claim 134, in combination with the other features of the claim. For reasons similar to those set forth above in Section B with respect to claim 66, Applicant submits that the cited art does teach or suggest at least this feature of claim 146, in combination with the other features of the claim.

D. **Additional Remarks**

Applicant submits that all claims are in condition for allowance. Favorable consideration is respectfully requested.

It is believed that no fees are required in connection with the filing of this document. If an extension of time is needed, Applicant requests the appropriate extension of time. If any fees are required, please charge those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5053-64100/EBM.

Respectfully submitted,

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